

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

CATHY SWANIGAN a/k/a
CATHERINE MESSINA,

Defendant.

Case No. 08-14159
District Judge Patrick J. Duggan
Magistrate Judge R. Steven Whalen

REPORT AND RECOMMENDATION

This is a student loan case. On November 10, 2008, a default judgment was entered against the Defendant in the amount of \$5388.22, together with post-judgment interest. On September 14, 2012, Plaintiff obtained and served a writ of continuing garnishment on garnishee Elk Medical Equipment and Supplies [Doc. #15]. Defendant filed objections and requested a hearing [Doc. #16], which was held on November 27, 2012.

At the hearing, it was determined that Elk Medical Equipment and Supplies was not the Defendant's employer, and has no property owned by the Defendant. In addition, the parties have negotiated an agreement for satisfaction of the default judgment, whereby the Defendant will make monthly payments of \$50.00, beginning on December 25, 2012. In addition, Plaintiff will have the right to garnish any State of Michigan income tax refunds payable to the Defendant, until the judgment is paid in full.

For these reasons, I recommend that the Defendant's objections to garnishment of Elk Medical Equipment and Supplies [Doc. #16] be sustained, that said writ of continuing garnishment be dismissed, and that Defendant continue to pay off her student loan debt

under the terms set forth herein.

Any objections to this Report and Recommendation must be filed within fourteen (14) days of service of a copy hereof as provided for in 28 U.S.C. §636(b)(1) and E.D. Mich. LR 72.1(d)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985); *Howard v. Secretary of HHS*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Filing of objections which raise some issues but fail to raise others with specificity will not preserve all the objections a party might have to this Report and Recommendation. *Willis v. Secretary of HHS*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

Within fourteen (14) days of service of any objecting party's timely filed objections, the opposing party may file a response. The response shall be not more than twenty (20) pages in length unless by motion and order such page limit is extended by the court. The response shall address specifically, and in the same order raised, each issue contained within the objections.

s/ R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Date: December 7, 2012

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail disclosed on the Notice of Electronic Filing on December 7, 2012.

Cathy Swanigan
29377 Jamestown Dr
Chesterfield, MI 48051-2161

s/Johnetta M. Curry-Williams
Case Manager